

APPENDIX A

AMENDED PLAN

OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA FOR THE RANDOM SELECTION OF GRAND AND PETIT JURORS

Pursuant to the Jury Selection and Services Act of 1968 (Public Law 90-274, as Amended), the following Amended Plan is hereby adopted by this Court, subject to approval by a reviewing panel and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.

The District of South Carolina is hereby divided into areas for jury selection purposes, pursuant to Section 1869(e) of the Act, as follows:

- (1) Area A - comprising the Anderson, Greenville, Greenwood and Spartanburg Divisions.
- (2) Area B - comprising the Columbia, Florence and Rock Hill Divisions.
- (3) Area C - comprising the Aiken, Beaufort, Charleston and Orangeburg Divisions.

Provisions of this Plan apply to all areas in the District.

The Court finds that electronic data processing methods can be advantageously used for establishing master wheels, qualified wheels, qualifying jurors, randomly selecting grand and petit jurors, maintaining juror records and automating jury clerical work. Therefore, a properly programmed electronic data processing system is authorized by the Court in selecting grand and petit jurors.

The Court authorizes the Clerk of Court to manage the jury selection plan under the supervision

and control of the Chief Judge for this District in accordance with the Automated Jury Selection System, a copy of which is attached hereto and made a part of this Plan.

The Clerk of Court, with the approval of the Chief Judge, is authorized to effect any changes in the data processing system to include, but not limited to, hardware, software, forms, mailing procedures, maintenance of records, etc., which will improve or provide a more efficient data processing system provided that such changes continue to insure that potential jurors are selected at random from a representative cross-section of the community and that no citizen is excluded on account of race, color, religion, sex, national origin or economic status, in compliance with the objectives and requirements of the District Jury Selection Plan.

Voter registration lists represent a fair cross-section of the community in the District of South Carolina, and such lists, as established by the South Carolina Election Commission and maintained by a programmed electronic data processing center shall serve as the source for all grand and petit jurors serving in the District of South Carolina. Accordingly, names of grand and petit jurors serving on or after the effective date of this Plan shall be selected at random from the voter registration lists of all the Counties within the State.

MASTER JURY WHEELS - The Clerk shall maintain a master jury wheel for each of the jury areas within the District which shall be a properly programmed electronic data processing device. The master jury wheels shall consist of the names of all registered voters for each area as determined by the South Carolina Election Commission on or immediately after January 1 every other calendar year. The master jury wheel shall consist of not less than ½ of 1 per centum of the total number of persons on the source list which is the Voter Registration List. The South Carolina Election Commission will furnish the

Clerk of Court with a master list of all registered voters on computer tapes. The master list will be in alphabetical order by counties and will serve as the master jury wheels for the District. The master jury wheels shall be emptied and refilled during the 30-day period beginning January 1 of every other calendar year.

EXCUSES ON INDIVIDUAL REQUEST - The District Court hereby finds that jury service by members of the following occupational classes or groups of persons would entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act, and shall be granted upon individual request to:

- (1) Persons over 70 years of age;
- (2) Persons who have served as a Federal grand or petit juror within the last 2 years;
- (3) Persons having active care and custody of a child or children under 10 years of age whose health and/or safety would be jeopardized by their absence for jury service; or persons who are essential to the care of aged or infirm persons;
- (4) Persons whose services are so essential to the operation of a business, commercial or agricultural enterprise that it must close or cease to function if they are required to perform jury duty;
- (5) Volunteer safety personnel who serve without compensation as firefighters or members of a rescue squad or ambulance crew for a public agency.

EXCUSES BASED ON DISTANCE FROM THE COURT - The Court finds that all parts of the jury areas are reasonably accessible and no excuse on the basis of distance should be granted.

EXEMPTION FROM JURY SERVICE - The District Court hereby finds that exemption of the following groups of persons or occupational classes is in the public interest and would not be inconsistent with the Act, and accordingly members of such groups are barred from jury service:

- (1) Members in active service in the Armed Forces of the United States;

- (2) Members of the fire or police departments of any State, district, territory, possession or subdivision thereof;
- (3) Public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties. Public officer shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office.

QUALIFICATIONS FOR JURY SERVICE - The Chief Judge shall determine whether a person is unqualified for, or exempt, or to be excused from jury service. Prior to this determination, the Clerk shall make a recommendation to the Chief Judge based on the information provided on the juror qualification form and other competent evidence. The Clerk shall enter the determination of the Chief Judge in the space provided on the juror qualification form and the alphabetical list of names drawn from the master jury wheel. If a person does not appear in response to a summons, such fact shall be noted on said list. In making such determinations, the Chief Judge of the District Court shall deem any person qualified to serve on grand and petit juries in the District Court unless he:

- (1) is not a citizen of the United States, eighteen years old who has resided for a period of one year within the judicial district;
- (2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;
- (3) is unable to speak the English language;
- (4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service;
or
- (5) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

QUALIFIED JURY WHEEL - The Clerk, with the approval of the Chief Judge, shall maintain

separate qualified jury wheels for each jury area in the District, and shall place in such wheels the names of all persons drawn from the master jury wheel and not disqualified, exempt, or excused pursuant to this Plan.

DISCLOSURE OF JUROR NAMES - Names drawn from the qualified jury wheel for petit juries shall not be made public until thirteen (13) working days before the jurors are to appear at the Courthouse, provided that the Chief Judge may order the names to be kept confidential in a case or cases when the interests of justice so require. Those names drawn for grand juries will not be made public at any time, unless so ordered by the Chief Judge.

PROCEDURE FOR ASSIGNING JUROR PANELS - When a petit jury is required at a place of holding court, the Clerk shall, after notice and with the approval of the presiding Judge, draw at random from the appropriate qualified wheel for each session of court such number of jurors as may be needed. Names of petit jurors will be drawn at least thirty (30) days prior to the convening of the session, unless a shorter time is designated by the Chief Judge.

A centralized petit jury may be used when ordered by the Chief Judge. When the services of a centralized petit jury are required, the Clerk shall draw names based on each jury area's percentage of the total names in the master wheel for a session of court.

Centralized grand juries or grand juries drawn from one jury area may be used, and grand jurors will be summoned for service for a period of one year. Special grand juries are summoned for eighteen (18) months and may serve a maximum of (36) months. When the services of a grand jury are required, the Clerk shall seat twenty-three (23) jurors and two (2) alternates. Centralized grand juries will be drawn based on each jury area's percentage of the total names in the master wheel. After the initial session of

each grand jury, the grand jury may be reconvened from time to time as the nature of the business requires on request of the United States Attorney and at the direction of the Chief Judge.

TEMPORARY EXCUSES OF JURORS WHO HAVE BEEN SUMMONED FOR JURY

SERVICE - A juror summoned for jury service in this District may be temporarily excused upon a showing of undue hardship or extreme inconvenience by the Clerk and with the approval of the presiding Judge.

RANDOM METHOD OF REDUCING AND ENLARGING PANELS - The Clerk, with the approval of the presiding Judge, is authorized to reduce the size of a venire by a random method when it appears there are more jurors summoned than are necessary to dispose of the business of the Court.

When it appears that there are insufficient jurors to dispose of the business of the Court, the Clerk, with the approval of the presiding Judge, is authorized to add additional jurors to the venire by a random method from the list of those jurors previously temporarily excused. At the end of each quarter the names of individuals temporarily excused will be reinserted into the qualified wheel for possible resummoning.

Charleston, South Carolina
October 12, 1989